

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

BRIAN NG,

Plaintiff,

25 Civ. No. 00806 (VSB) (GS)

-against-

ORDER

AMGUARD INSURANCE COMPANY,
et al.,

Defendants.

-----X

GARY STEIN, United States Magistrate Judge:

On June 3, 2025, Defendant Eberl Claims Services LLC (“Eberl”) moved to dismiss Plaintiff’s Amended Complaint against Eberl pursuant to Federal Rule of Civil Procedure 12(b)(6) on the grounds that Eberl has no obligation to Plaintiff and/or the insured for alleged damages to the premises located at 88-22 78th St., Woodhaven, New York. (Dkt. Nos. 47–49).

Plaintiff may respond to Eberl’s Motion to Dismiss in one of two ways: (1) he may file a brief in opposition to Eberl’s Motion; or (2) he may file a Second Amended Complaint that seeks to cure the deficiencies alleged in Eberl’s Motion. **If Plaintiff files neither an opposition brief nor a Second Amended Complaint by the deadline set forth below, the Court will treat Eberl’s Motion to Dismiss as unopposed.**

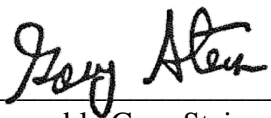
The Court sets the following schedule with respect to Eberl’s Motion to Dismiss:

- Plaintiff’s **opposition brief** opposing Eberl’s Motion to Dismiss (Dkt. Nos. 47–49) or **a Second Amended Complaint** that attempts to cure the deficiencies alleged in Defendant’s Motion is **due by no later than Monday, July 7, 2025.**

- Should Plaintiff file an opposition brief, Defendant's reply, if any, is due by Monday, July 21, 2025.

SO ORDERED.

DATED: New York, New York
June 6, 2025



The Honorable Gary Stein
United States Magistrate Judge